

The Honorable James L. Robart

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESUS RUIZ-HERNANDEZ,

Defendant.

NO. CR22-197JLR

JLR
AMENDED (~~PROPOSED~~)
PROTECTIVE ORDER

This matter, having come to the Court's attention on the government's motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. Protected and Sensitive Material.

A. Protected Material. The following documents and materials are deemed Protected Material:

- i. Grand Jury transcripts and exhibits;
- ii. Witness statements, including but not limited to reports of law enforcement officers memorializing witness statements; and
- iii. The personal information related to victims and/or witnesses, and any statements and/or documents containing personal information related to any victims and/or witnesses. As used in this Order, the term "personal information" refers to

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1 each victim and/or witnesses' date of birth, Social Security number (or other
2 identification information), driver's license number, address, telephone number, location
3 of residence or employment, school records, juvenile criminal records, financial records,
4 and other confidential information. In addition, with respect to any victims in this case,
5 the term "personal information" also includes the name and identity of each victim.

6 The United States will make available copies of the Protected Materials, including
7 those filed under seal, to defense counsel to comply with the government's discovery
8 obligations. Possession of copies of the Protected Materials is limited to defense counsel,
9 investigators, paralegals, law clerks, experts and assistants for defense counsel
10 (hereinafter collectively referred to as "members of the defense team"):

11 The members of the defense team may share and review the Protected Material
12 with the Defendant. Providing copies of the Protected Material to the Defendant and
13 other persons who are not members of the defense team is prohibited.

14 *B. Sensitive Material.* The following documents and materials are
15 deemed Sensitive Material:

- 16 i. Medical records related to victims and/or witnesses;
- 17 ii. Sexually suggestive photographs of victims and/or witnesses;
- 18 and
- 19 iii. Records containing personal information, including financial
20 or credit card information, dates of birth, and Social Security Information, that are too
21 voluminous to redact.

22 Possession of Sensitive Material is limited to defense counsel and members of the
23 defense team. Defense counsel and members of the defense team may not share or
24 review the documents containing Sensitive Material, or any copies of any documents
25 containing Sensitive Material, in any manner with any other person, including Defendant.
26 This order, however, does not prohibit defense counsel and members of the defense team
27 from discussing the contents of documents constituting Sensitive Material with
28 Defendant, as long as defense counsel and members of the defense team do not share the

1 documents or copies of the documents with Defendant or any other person. Defense
2 counsel and members of the defense team shall keep any documents containing Sensitive
3 Material secured whenever the documents containing Sensitive Material is not being used
4 in furtherance of their work in the above captioned case.

5 Additional discovery items may be deemed by the parties to constitute Protective
6 or Sensitive Material upon agreement.

7 Any violation of these prohibitions constitutes a violation of the Protective Order.
8 Further, defense counsel are required, prior to disseminating any copies of the Protected
9 or Sensitive Materials to members of the defense team, to provide a copy of this
10 Protective Order to members of the defense team, and obtain written consent by members
11 of the defense team of their acknowledgment to be bound by the terms and conditions of
12 this Protective Order. The written consent need not be disclosed or produced to the
13 United States unless requested by the Assistant United States Attorney and ordered by the
14 Court.

15 Nothing in this order should be construed as imposing any discovery obligations
16 on the government that are different from those imposed by case law and Rule 16 of the
17 Federal Rules of Criminal Procedure.

18 **2. Filing**

19 Any Protected or Sensitive Material that is filed with the Court in connection with
20 pre-trial motions, trial, or other matter before this Court, shall be filed under seal and
21 shall remain sealed until otherwise ordered by this Court. This does not entitle either
22 party to seal their filings as a matter of course. The parties are required to comply in all
23 respects to the relevant local and federal rules of criminal procedure pertaining to the
24 sealing of court documents.

25 **3. Nontermination**

26 The provisions of this Order shall not terminate at the conclusion of this
27 prosecution.
28

4. Violation of Any Terms of this Order

Any violation of any term or condition of this Order by the Defendant, his attorneys of record, or any member of the defense team, may be held in contempt of court, and/or may be subject to monetary or other sanctions as deemed appropriate by this Court.

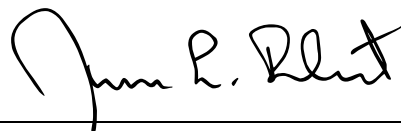
If the Defendant violates any term or condition of this Order, the United States reserves its right to seek a sentencing enhancement for obstruction of justice, or to file any criminal charges relating to the defendant's violation.

5. Right to Review

In the event that compliance with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment obligations, or otherwise imposes an unworkable burden on counsel, defense counsel shall bring any concerns about the terms of the Order to the attention of the government. The parties shall then meet and confer with the intention of finding a mutually acceptable solution. In the event that the parties cannot reach such a solution, defense counsel shall have the right to bring any concerns about the scope or terms of the Order to the attention of the Court.

The Clerk of the Court is directed to provide a filed copy of this Protective Order to all counsel of record.

DATED this 28th day of December, 2022.



THE HONORABLE JAMES L. ROBART
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Catherine L. Crisham

CATHERINE L. CRISHAM

Assistant United States Attorney